

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROLAND JESSE DAZA-CORTEZ and
RAFAEL VALADEZ-VAZQUEZ,

Defendants.

NO. CR15-269RAJ

ORDER GRANTING UNITED STATES'
MOTION *IN LIMINE* RE:
ADMISSIBILITY OF RULE 404(b)
EVIDENCE

The United States of America filed a motion *in limine* seeking an Order by the Court finding that certain Rule 404(b) evidence, as described in the Motion, is admissible at trial. The Government's motion is unopposed.

THE COURT HEREBY FINDS: Federal Rule of Evidence 404(b)(1) provides that evidence of a crime, wrong, or other act is not admissible at trial to prove a person's character or action in conformity with such character. That same evidence, however, may still be admissible for another purpose, "such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident." Rule 404(b)(2). In order to admit Rule 404(b) evidence, the United States is required to provide reasonable pretrial notice of the general nature of such evidence. Rule 404(b)(2)(A)-(B). Admissibility is, as always, subject to an analysis of whether the

1 probative value of the evidence is substantially outweighed by the danger of unfair
2 prejudice pursuant to Rule 403.

3 THE COURT FURTHER FINDS that for the reasons discussed in the motion, the
4 evidence of Daza-Cortez's presence in the vehicle with the drugs and currency in West
5 Covina in 2009, as described in the motion, is properly admissible under Rule 404(b),
6 and the probative value of this evidence is not substantially outweighed by undue
7 prejudicial impact under Rule 403.

8 Accordingly, IT IS ORDERED that the United States' Motion *in Limine*
9 (Dkt. #115) is GRANTED and the Government may, if it chooses, admit firsthand
10 testimony of these events at trial.

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12 DATED this 24th day of February, 2017.

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15 The Honorable Richard A. Jones
16 United States District Judge
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